

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>FATE SANTEE</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>CIVIL NO.: 1:14cv34-HSO-RHW</b>
	§	
<b>RON KING, HUBERT DAVIS, and JODECI A. DEARBORN, individually and in his official capacity</b>	§ § § §	<b>DEFENDANTS</b>

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING  
MOTION FOR SUMMARY JUDGMENT, AND DISMISSING CLAIMS  
AGAINST DEFENDANTS RON KING AND HUBERT DAVIS**

BEFORE THE COURT is the Report and Recommendation of United States Magistrate Judge Robert H. Walker entered on April 24, 2015. Also before the Court is the Motion for Summary Judgment Based on Sovereign and Qualified Immunity [33] filed by Defendants Ron King (“King”) and Hubert Davis (“Davis”) seeking judgment as a matter of law as to Plaintiff Fate Santee’s (“Plaintiff”) claims for monetary damages and injunctive relief.<sup>1</sup> To the extent that they are named as Defendants in their official capacities, King and Davis contend that summary judgment should be entered in their favor on the basis of sovereign immunity. Mem. in Supp. of Mot. for Summ. J. 3 [34]. Insofar as they have been named as Defendants in their individual capacities, King and Davis maintain that they are entitled to judgment as a matter of law on the basis of qualified immunity. *Id.* at 5-11. King and Davis also seek summary judgment as to Plaintiff’s claim for injunctive relief because Plaintiff is no longer in the custody of the State of

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<sup>1</sup> Defendant Jodeci A. Dearborn did not join the Motion for Summary Judgment [33].

Mississippi “and resides in the free-world . . . .” *Id.* at 4-5. The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the positions advanced in the Motion [33], and concludes that King and Davis are entitled to judgment as a matter of law as to Plaintiff’s claims and that the Motion [33] should be granted.

To date, no objection to the Report and Recommendation has been filed by Plaintiff.<sup>2</sup> Where no party has objected to a magistrate judge’s findings of fact and recommendation, a court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) (“[A] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, a court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation thoroughly considered all issues and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that King and Davis’s Motion for Summary Judgment Based on Sovereign and Qualified Immunity [33] should be granted and that Plaintiff’s Complaint [1] as to King and

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<sup>2</sup> The record reflects that as of May 5, 2015, the Report and Recommendation [36] was received and signed for at the location of Plaintiff’s address of record. Acknowledgment [37].

Davis should be dismissed. The Report and Recommendation will be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Report and Recommendation [36] of Magistrate Judge Robert H. Walker entered on April 24, 2015, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that the Motion for Summary Judgment Based on Sovereign and Qualified Immunity filed by Defendants Ron King and Hubert Davis should be **GRANTED**, and Plaintiff Fate Santee's claims against Defendants King and Davis are **DISMISSED**.

**SO ORDERED AND ADJUDGED**, this the 27th day of May, 2015.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE